

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- AGAINST -

SHUJUN WANG,

DEFENDANT.

22 Cr. 230 (DC)

**SENTENCING MEMORANDUM**

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Prof. Shujun Wang is a 76-year-old Chinese-American historian and democracy activist based in Queens who has been convicted of four federal charges relating to his contact with Chinese government officials between 2016 and 2021.<sup>1</sup> For these crimes he faces a total offense level under the U.S. Sentencing Guidelines of four, which carries a recommended sentence of probation. *See U.S.S.G. § 5C1.1 Application Note 10* (“a sentence other than a sentence of imprisonment...is generally appropriate”). He has no prior criminal history.

Even without considering the impact of the Guidelines on this case, a sentence other than imprisonment is warranted here because—as revealed through the trial evidence and further detailed below—Prof. Wang’s conduct, while technically illegal, caused no actual harm to the United States or to any person and there is thin evidence he acted with bad intent, *i.e.* with the objective or motive of assisting the authoritarian government of the Chinese Communist Party (“CCP”). At the same time as he was working at the direction of Chinese government officials, he was working actively to fight the Communists and bring democracy to China. Despite the verdict he enjoys strong support in the overseas Chinese dissident community. *See Exs. C-1, C-2; Trial Transcript (hereinafter “Tr.”) at 877; see also Argument § I, infra.*

Moreover, Prof. Wang suffers from profound mental and physical health problems that make him a poor candidate for incarceration, especially in a federal facility ill equipped to manage his numerous medical needs. His otherwise productive and law-

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<sup>1</sup> The indictment alleges a conspiracy starting in 2011 and overt acts beginning in 2016. *See ECF No. 12: Indictment at 19-22.* The trial evidence focused on events between 2017 and 2021.

abiding life has been shattered by this prosecution already: according to the attached psychological evaluation, [REDACTED]

[REDACTED]. Accordingly, in this case, the objectives of sentencing articulated in the Sentencing Reform Act, 18 U.S.C. § 3553(a) would be undermined by incarceration and best served by a term of supervision, perhaps with appropriate community service or home confinement.

### FACTS

The facts recited herein are based on the trial record, conversations with Prof. Wang and his family and friends, materials provided to this office by Prof. Wang, and our own investigation. The following exhibits are attached hereto:

<b>Medical and Psychological Reports</b>	
Exhibit A-1	Forensic Psychological Evaluation of Shujun Wang dated 3/3/2025
Exhibit A-2	Letter from Dr. Sonny Sang Kan, primary care physician
<b>Sentencing Letters from Shujun Wang's Family</b>	
Exhibit B-1	Letter from Hua Yan, wife
Exhibit B-2	Letter from Bei Wang, daughter
Exhibit B-3	Letter from Bao Wang, daughter
Exhibit B-4	Letter from [REDACTED] granddaughter
Exhibit B-5	Letter from [REDACTED] granddaughter
Exhibit B-6	Letter from [REDACTED] granddaughter
Exhibit B-7	Letter from Wang Shuting, Sister
Exhibit B-8	Letter from Kaifeng Jiang, Daughter-in-Law
Exhibit B-9	Letter from Sun Xiujuan, Niece
<b>Sentencing Letters from Fellow Democracy Advocates</b>	
Exhibit C-1	Letter from Hu Ping

Exhibit C-2	Letter from Juntao Wang
<b>Sentencing Letters from Shujun Wang's Friends</b>	
Exhibit D-1	Letter from He Baoyan
Exhibit D-2	Letter from Jin Ming Guang
Exhibit D-3	Letter from Jin Ming Guang
Exhibit D-4	Letter from Li Anna
Exhibit D-5	Letter from Li Hong
Exhibit D-6	[Intentionally left blank]
Exhibit D-7	Letter from Vicky Li
Exhibit D-8	Letter from Yang Renke
Exhibit D-9	Letter from Dr. Cheng Wanqi
Exhibit D-10	Letter from Jiao Hong
Exhibit D-11	Letter from Jiao Jun
Exhibit D-12	Letter from Liang Zhixin
Exhibit D-13	Letter from Ming Kevin Zhang
Exhibit D-14	Letter from Roy Liao
Exhibit D-15	Letter from Sunny Shen
Exhibit D-16	Letter from a Close Family Friend
Exhibit D-17	Letter from Vivian Chen
Exhibit D-18	Letter from Zhiyang Liu
Exhibit D-19	Letter from Lin Xiaojia
Exhibit D-20	Letter from Gu Jianzhong
Exhibit D-21	Letter from Gong Aihua
Exhibit D-22	Letter from Sun Zhongxiong
<b>Sentencing Letters from Shujun Wang's Students and Readers of his Work</b>	
Exhibit E-1	Letter from Li Yu (and other classmates)
Exhibit E-2	Letter from Ding Wu
Exhibit E-3	Letter from Lucy Sun
Exhibit E-4	Letter from Martin Hung
Exhibit E-5	Letter from Ricky Tsang

Exhibit E-6	Letter from Wang Quan
Exhibit E-7	Letter from Wu Sijing
Exhibit E-8	Letter by Guo Qidi
<b>Additional Sentencing Letter</b>	
Exhibit F-1	Letter from the United World Chinese Association

### I. **Prof. Shujun Wang's History and Characteristics**

It is beyond dispute that other than the allegations instant case, Prof. Wang has led a long and blameless life, raising two children, working as an author and historian and publicly campaigning for democracy and human rights in his native China. He has no prior criminal record and there is no evidence of any prior bad acts in his 76 years here or in mainland China. *See Presentence Investigation Report dated February 14, 2025 (hereinafter “PSR”) ¶¶ 60-65.* “He is a very enthusiastic writer who is willing to help others. In 2009, he helped me move and worked tirelessly. Later, he helped me repair the pipes of the washing machine and helped me repair the door locks. In short, I feel that he is a kind person who likes to help others. He is also a well-known historian.” Ex. D-4: Letter from Anna Li.

The details of Prof. Wang’s personal history are set forth in detail in the many sentencing letters submitted herewith, in the PSR at 4, and in the Forensic Psychological Report of Dr. Sanford Drob dated March 3, 2025 (hereinafter “Drob Report”). *See Ex. A at 1.* We touch on the highlights here.

**A. Shujun Wang survives the Cultural Revolution in China to pursue an academic career as a historian of the Pacific War**

Shujun Wang was born in 1948 in Qingdao, China (sometimes transcribed Tsingtao, the city is known here for its pale lager, which is frequently exported). His father worked as a translator and bodyguard for the U.S. Navy until 1960, sparking Shujun's lifelong interest in the Pacific Theater of World War II and the conflict between China and Japan. *See* Drob Report at 2. His father's experience and later persecution at the hands of anti-American Chinese Communists also instilled in him a strong sense of admiration for the United States as a nation and American political values of democracy and the rule of law.

At the age of 12, Shujun's life as the son of a U.S.-contractor unraveled just as Chairman Mao's Cultural Revolution began. Shujun recalls that, when he was an adolescent, his family was starving and lived in a constant state of fear due to his father's association with the American military. *See* Drob Report at 2; PSR ¶ 69. His father worked odd jobs and his mother worked as a cook at a children's daycare center. *See* Drob Report at 2. For a period, his father was sent to a labor camp because he was "viewed as a wealthy landlord." *Id.* On two occasions, Shujun was beaten at school twice during the Cultural Revolution, *id.* and similar incidents plagued his family due to their perceived politics and association with Americans.

At some point—it's not clear whether or when he finished high school during the turbulent 1950s and 60s in China—Shujun went to work as a fitter in a chemical factory. *See* Ex. D-8: Letter from classmate Yang Renke. He met Hua Yan in 1970 and they married

four years later. They lived in the same courtyard as Shujun's parents. PSR ¶ 72; Ex. B-1: Letter from Hua Yan. Their twins were born in 1975. *Id.*

At the end of the Cultural Revolution, Shujun, now 30, matriculated at Shandong University, a few hours from Qingdao, to study history. As an undergraduate in his 30s in a country recovering from a period of chaos, Shujun wrote a 600,000-word book entitled *Pacific Sea and Air Warfare*, which was first published in 1986.<sup>2</sup> The book was successful and earned him a full-time teaching position at the Qingdao Academy of Social Sciences after college. See Ex. D-8 at 1-2.

As his wife describes it:

After some efforts, Wang Shujun completed the 600,000-word masterpiece *Pacific Sea and Air Warfare* in 1986, which caused a sensation at home and abroad and was praised as "filling the empty cup of my country's World War II history research." Therefore, my husband Wang Shujun was promoted to associate professor (associate researcher) in 1987.

Ex. B-1 at 1-2.

**B. Disgusted by the oppression of the Chinese Communist Party, Shujun Wang migrates to America.**

Prof. Wang settled into academic life with his wife and children through the 1980s but China remained turbulent and authoritarian. He lived comfortably, raising his twins and working on his scholarship. But the Tiananmen Square massacre of June 4, 1989

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<sup>2</sup> It appears that a version of Prof. Wang's book was still in print as of 2005, and is currently available on Amazon. See <https://www.amazon.com/Pacific-Air-Combat-Documentary-Paperback/dp/7502763139> (last accessed March 31, 2025).

changed his outlook on China: “He was furious, and determined to break with the dictator,” writes his sister, Shuting Wang, who is still in Qingdao. *See Ex. B-7.*

Also writing from China (arguably at some risk to himself), Prof. Wang’s professor 94-year-old He Baoyan describes the origin of his pupil’s passion for democracy:

**Because Wang Shujun’s father had been a translator for the US Navy Commander in Qingdao, and his family had been politically persecuted by the Chinese Communist Party for many years, we have maintained good contact for more than 40 years, and both sides cherish this friendship, given that we have the same life experience, compatible personalities, and the concept of democracy and freedom. Wang Shujun has the concept of democracy and freedom and has always admired the American democratic system.**

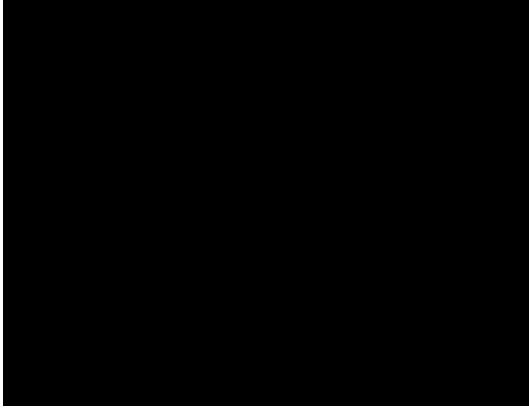
Ex. D-1: He Baoyan Letter at 1.<sup>3</sup>

Nonetheless, he was promoted to full professor in 1992. Ex. D-8. When he was offered a fellowship to allow him to continue his work in residence at Columbia University, he seized the opportunity. *See Ex. B-1 at 2.* As we learned during the trial, the position of visiting scholar and fellow at Columbia University is designated for independent researchers to conduct research on their individual field of interest at Columbia University for a two-year term. *See Tr. at 725.*

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<sup>3</sup> He Baoyan’s letter, Ex. D-1, also describes a 2019 visit with Prof. Wang in China. While we believe the visit is relevant to sentencing and underscores the complex motives at play during that trip, we are not specifically relying on it to meet the government’s trial evidence.

After the two years, Prof. Wang was granted a permanent work visa for outstanding professors and later became a permanent resident. Ms. Yan followed Shujun to New York



at the end of 1994, Ex. B-1 at 2, but the marriage ended amicably in divorce 1997. Nonetheless, Shujun and Hua Yan still live together in separate bedrooms as friends, and Hua helps take care of his many medical needs. *See* PSR ¶ 75. In 2006, their son Bao Wang and his wife Kaifeng Jiang obtained green cards and settled in the United States, where their

*Shujun Wang with his three American granddaughters at Christmastime in Queens*

three daughters were born. *See* Exs. B- 3, B-8: Letters from son and daughter-in-law. Shujun is close to his three American grandchildren, who are by all accounts thriving as public-school students in Queens. “My grandfather watched me grow up since I was a child, has cared for me very much, encouraged me to study hard in school, and promised to make more contributions to society when I grow up.” His oldest granddaughter, [REDACTED] 16, writes to the Court. “My grandfather can’t live without me, and I can’t live without him either.” Ex. B-6.

**C. Shujun Wang actively participates in the Overseas Chinese Pro-Democracy movement.**

In addition to studying history and writing books in the United States, Shujun Wang continued to agitate for democracy, freedom, and human rights in his homeland. He took a middle of the road line, fighting the oppression inflicted by the Chinese Communist Party since the Tiananmen massacre, but holding individual, reform-minded CCP members in

high esteem. His philosophy was modeled after the “Peaceful Evolution” theory championed by U.S. Secretary of State John Foster Dulles in the 1950s.

In this spirit, Prof. Wang became a prominent founding member of the Hu Yaobang and Zhao Ziyang Memorial Foundation, which is named after two prominent Chinese government officials and members of the CCP who were ousted and persecuted for their pro-democracy leanings.<sup>4</sup> In a letter to the Court, fellow democracy activist Hu Ping, describes the work of the foundation, which was established in 2006: “we have worked together and organized more than 50 seminars and rallies in the Greater New York area to commemorate Hu and Zhao, oppose the June 4<sup>th</sup> Tiananmen Square Massacre, oppose China’s dictatorship, and fight for democracy and freedom.” Ex. C-1.

Multiple letter writers affirm Prof. Wang’s dedication to democracy based on first-hand experience with him over decades. *See, e.g.*, Ex. D-3: Jin Ming Guang Letter; D-12: Liang Zhixhin Letter; D-13: Ming Kevin Zhang Letter (“He hates the autocratic dictatorship.”); Ex. D-7: Vicky Li Letter (“The



*Prof. Shujun Wang, center, with his family in Washington, D.C.*

impression Professor Wang gave me is that he is a scholar who is passionate about life, advocates democracy and freedom, has a cheerful and talkative personality, and is also a writer who can patiently listen to readers' opinions.”). Two trial witnesses also testified

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<sup>4</sup> See the Hu Yaobang and Zhao Ziyang Memorial Foundation website for detailed information about Hu and Zhao, available at <https://www.huzhao.org/who-eng>.

about Prof. Wang's dedication to the movement for democracy in China and additional witnesses were prepared to do so.

In 2017, Prof. Wang won the 15<sup>th</sup> World Outstanding Chinese Artist Award from the United World Chinese Association in a ceremony in Hong Kong. Ex. F-1: Letter from United World Chinese Association. "This honor is the recognition of the academic achievements of Professor Shujun Wang by the jury after rigorous, meticulous, open and detailed inspection and verification." *Id.* at 2.

## **II. The Nature and Circumstances of the Offense**

Prof. Wang was convicted of four counts of conspiracy, acting as an unregistered agent of a foreign government, criminal use of identification, and making a false statement to an FBI agent.

### **A. Offense Conduct**

The trial evidence showed that Prof. Wang had contact with four people in China believed to be agents of the Chinese Ministry of State Security ("MSS") relating to politics in China, Hong Kong, and the pro-democracy movement centered in Queens. It also showed that he had various names and phone numbers of people involved in the pro-democracy movement when he travelled to China and that he lied in an interview with an FBI agent when he was stopped at the airport coming back from China in 2019.

There was no evidence that Prof. Wang's actions led to any harm to any U.S. interests or to any person.<sup>5</sup> As discussed below, "the primary victim of his actions"—

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<sup>5</sup> Although one person Prof. Wang had contact with, Hong Kong activist Albert Ho, was later detained by the Chinese government, there is nothing to suggest that the

leading democracy activist Juntao Wang<sup>6</sup>—has written and spoken to the press in support of Shujun Wang; Juntao Wang explains the motives behind the offense conduct to the Court in an important letter that captures the moral nuances of Prof. Wang’s position. *See Argument § I, infra.*

There was no evidence that Prof. Wang received anything in return for providing information to the MSS.

None of the MSS officers or any other purported co-conspirator testified at trial.

#### **B. Application of the United States Sentencing Guidelines**

The parties agree that Prof. Wang’s Guidelines offense level is 4—the same as the calculation in the PSR, except that the PSR’s calculation must be reduced by two levels since Prof. Wang has no prior criminal record pursuant to U.S.S.G. § 4C1.1. *See PSR ¶¶ 45-65.* That yields an advisory Guidelines sentence of zero to six months incarceration.

#### **III. Shujun Wang’s current circumstances**

Prof. Wang was arrested on March 16, 2022. He was released on bail. He has been subjected to electronic location monitoring for the past two years. After his arrest, he gave up his position as a leader in the Hu Zhao Memorial Foundation. He has been in full compliance with all conditions of pretrial release. *See PSR ¶ 6* (“the Pretrial Services Officer

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information Prof. Wang provided about Mr. Ho’s political opinions had anything to do with the arrest. The government conceded this point. *See Tr. 666; Tr. 672.*

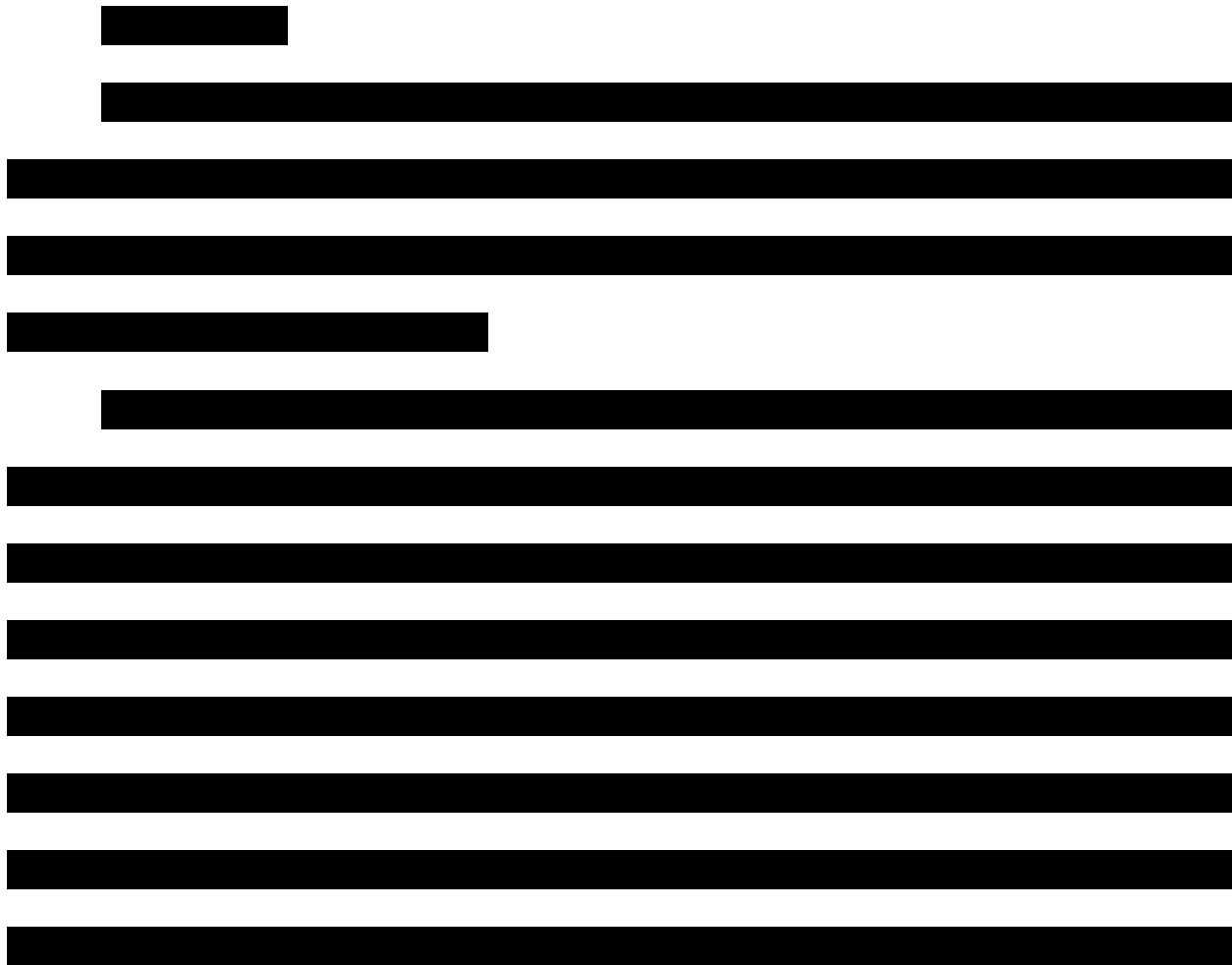
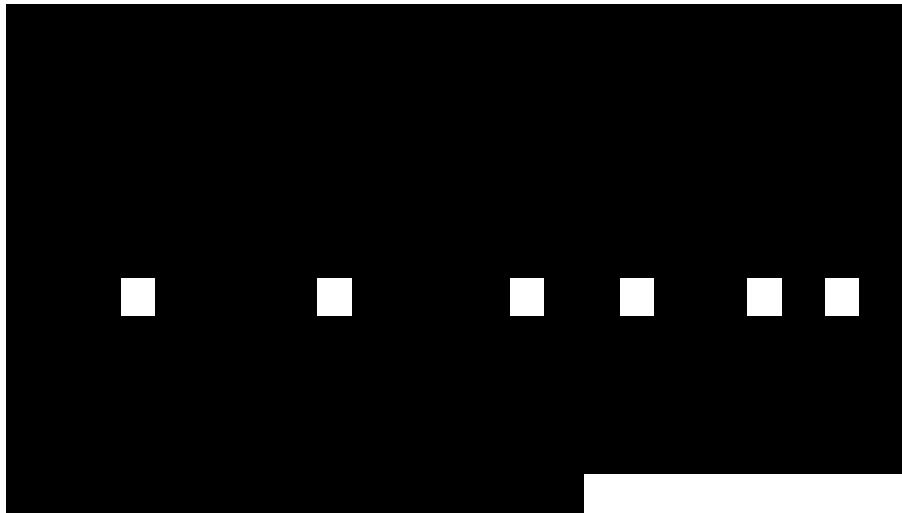
<sup>6</sup> Juntao Wang was described in 2023 by New York Magazine as “a primary organizer of the 1989 Tiananmen Square protests and one of the world’s most renowned Chinese dissidents.” *See* <https://nymag.com/intelligencer/article/wang-juntao-exile-chinese-communist-party-nyc.html> (further discussed at Argument § I, *infra*).

advised that the defendant has complied with all Court-ordered conditions of release").

The government agreed to continue his release after the jury verdict.

However, the prosecution has taken a toll on Prof. Wang's physical and mental health, which have deteriorated precipitously in the last two years. The attached reports from his primary care physician and his court-appointed mental health evaluator detail the decline. *See* Ex. A-1: Drob Report; Ex. A-2: Letter from Dr. Sonny Sang Kan. Medical records were provided to Probation and are summarized in ¶¶ 78-81 of the PSR.

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## ARGUMENT

We respectfully request the Court sentence Prof. Wang to a period time served with supervised release because (1) his conduct, while illegal, did not cause harm and (2) his positive life history and current medical problems make imprisonment unnecessary. In short, this prosecution has already been devastating to Prof. Wang, who is near the end of an otherwise completely blameless life, and therefore the objectives of sentencing set forth at 18 U.S.C. § 3553(a) have already been achieved.

### **I. Leniency is warranted because Prof. Wang's conduct did not cause harm.**

As the Court is aware from the trial testimony, the information Prof. Wang provided to the MSS, while detailed and specific, did not lead to any real world consequences of any kind that could be said to have harmed any alleged victim. As a democracy activist, but also a moderate and a pragmatist in an interconnected world, Prof. Wang found himself in an ambiguous situation. As discussed at opening, he was Chinese and American at the same time; he fought for American values of democracy while admiring Chinese culture and history. The most prominent member of the overseas Chinese democratic movement, Wang Juntao, supported Prof. Wang publicly after the indictment. According to a New York Magazine article published in January 2023:

**Juntao defended Shujun. Even if Shujun was taking money from the Communist Party, it probably wasn't for political reasons but rather as "a business," Juntao said. "It's the**

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<sup>7</sup> This record is on file with this office and was provided to Probation for incorporation in the PSR Addendum.

Chinese way,” he said. And anyway, Juntao said, he’d rather have an informant be someone he knows. That way, “I control what kind of information they get.” He said he still considers Shujun a friend who supports democracy.

Beam, C. *Chinese Democracy: The Radical, Lonely, Suddenly Shocking Life of Wang Juntao*, NEW YORK MAGAZINE, Jan. 30, 2023, available at <https://nymag.com/intelligencer/article/wang-juntao-exile-chinese-communist-party-nyc.html>.

Juntao—the radical who organized the Tiananmen Square protests—continues to support Shujun despite the jury verdict and his own acceptance that Shujun fed information about American democracy advocates to the MSS. See Ex. C-2. His letter, the most important in this sentencing, is worth reading in whole. The most salient part reads:

**[T]he majority of [Shujun’s] “crimes” were directed at me; I am the primary victim of his actions.**

In the court [] evidence, I am repeatedly referred to as “Brother Tao” or “A Tao.” From the perspective of the U.S. justice, Wang Shujun is indeed a CCP agent. However, from the perspective of traditional Chinese political culture and contemporary Chinese politics, *his dual identity is a common and understandable phenomenon*. The CCP holds absolute control over individuals’ lives and reputations. Most people who have opportunities to work within both the pro-democracy movement and with the CCP engage with the CCP to obtain some benefits, but they are sincerely dedicated to the pro-democracy cause. After the collapse of the Soviet Union, it was discovered that many dissidents there were also such individuals. Therefore, those of us who have long been involved in Chinese politics tend to be more tolerant of people like this. Hu Ping’s perspective is also mine: when someone is navigating between the pro-democracy movement and the CCP, we judge their sincerity by whether their actions harm the pro-democracy movement.

American democracy and the rule of law have been established for over two hundred years, and people are accustomed to judging people and events in black-and-white

terms, making it difficult to understand the dual identities of ordinary people in a transitioning society. However, to promote democratization in China, we need to win over such ordinary people with dual loyalties to serve the cause of democracy.

Ex. C-2 at 1-2 (emphasis added).

[REDACTED]

[REDACTED]

[REDACTED]

Shujun stepped down from the Foundation after his arrest, which took place days after the president of the association, attorney Jim Li, was murdered by a disappointed client whom Juntao characterizes as a Chinese agent. *Id.* at 3; *see also Chinese Democracy, supra.* Jim Li, Juntao writes, knew what Shujun was doing and “found Wang Shujun’s actions acceptable.” *Id.* at 2. Juntao concludes that Shujun “is not an enemy of our struggle for democratization in China but someone who has made significant contributions to our cause and has also committed moral mistakes.” *Id.* at 3.

**II. A sentence of supervision is appropriate given Prof. Wang’s advanced age, serious health issues, and exemplary history and characteristics.**

The fact that no one was harmed by Prof. Wang’s conduct, which, on balance, helped the movement to bring democracy to China, indicates that Prof. Wang has been punished enough by this prosecution already. [REDACTED]

The toll already taken on Prof. Wang by this prosecution means that the objectives of sentencing—specific and general deterrence, just punishment, and equitable prison terms that properly consider the U.S. Sentencing Guidelines—can be achieved without imprisonment. 18 U.S.C. § 3553(a). Prof. Wang is at zero risk for recidivism. Other than the instant offenses, he has lived a blameless, courageous and even selfless life marked by enormous suffering caused by nothing more than the place and time where he was born.

“Whenever his friends encounter difficulties, he is always the first to extend a warm hand, regardless of personal gains and losses,” writes his close friend Xiang Zhu Shao Shu. Ex. D-16. The attached exhibits confirm that the friends and relatives and comrades to whom he extended a hand—whom he helped and charmed and educated over decades—have come out by the dozens to support leniency, ask the Court to consider Shujun Wang as a whole person in all his complexity and to understand the double life that Wang Juntao empathetically described.

### CONCLUSION

A sentence of post-release supervision is adequate to achieve the objectives of the Sentencing Reform Act, 18 U.S.C. § 3553(a), in this case because Prof. Shujun Wang’s

conduct did not cause harm and the prosecution has adequately punished him given his advanced age, and rapidly deteriorating physical health and intellectual functioning.

Dated: March 31, 2025  
New York, New York

Respectfully submitted,  
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